3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

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king (Tugo) had finished his reign, he said, "My son shall be elected!" And he was elected.

35. A Law-suit about Dowry.

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Kɛ́ɲ kɛ̱t jɛ̄ bɛ̱ pídù, ka jɛ̄ kɛ̱dɔ, ka jɛ̄ pɛ̱ka peɲ. Ka pān ɛni chɔ́ɲ, ka ɖāɲ ɣ[1] pɛ̱chɔ, kine: yâ pīdɔ káché jám! Kine: káchè jam kúchè yán![2] Kine: yi nūtí kɔ̄pɔ? Kine: yi mɛn an? Kine: yi wóu. Kɛye ɣɔt kúchè yán! Kine: kipaɲɔ kuche yin? Kine: jal tɔ́ɲ amɛn? Kine: jal tɔ́ɲ ɲate. Kine: kwāɲ jám! Ka jame kwân. A, ɲate, yi re a pɛ̱m? ɖɔk patɛ dyer? Ka jɛ̄ kɛ̱ti bɛ gɔ́ɲ. Ka jɛ̄ kɛ̱dɔ, ka rit e yôt, ka gɔ́ɲ gɔ́ɲ kine: wuo, wɔ chɑ̄ɲ̱i ká ɲál àn. Kine: wu kɔma kwɔf aɲɔ? Wɔ kɔma kwɔfe ɖɔk. Atɔ́, gɔ̄ɲun! Kine: é, wuo, wɔ́ bì, cha wɔ pyéjé ɛ́n ki kwɔfe ɖɔk, dɛ́ é kyɛ̱t, cha ɖɔk kújɛ̱. A chɔ́ɲà jɛ̀, a chɔ́ɲ jɛ̀, a kɔ́mà kwɔ́p, a kwāɲ jam, ka ɖɔk pɛ̱ka káché gɛ́n. Ka jɛ̄ yēyɔ, jɔ̀k dɔ̀ɲ; dɛ chaka kɛr yau. É, arɛ lɔ́ɲé gɔ́ɲ. Kine: wa ɣou ya ɣɛ̄ɲ; dɛ ɖɔk kache gɛ́n kújà, dɛ nūtí kɔ̄bì. Kɛ́ɲ ɛ́ní ànàn, a bāɲ kyɛ́dá. Ka rit e lɔ̄kɔ chyɛ̄, kine: rɛ̄, kinau, yi ba wéi jál a kɛ̀r! yi re kɛ̀re ɖɔk tɛ̄rɔ? Kwɔ́fí rach! kɛ̱t, chúdí ki ɖāɲ! jal, ka yú[3] múch ki ɖɔk abich. Ka e mūjɔ ki ɖāɲ, ka gɔ kɑ̄lɛ́, ka tyɛni pān ɛni chɔ́ɲ, kine: yá chúdì ki ɖāɲ, kɛ́ɲ ɛni anan. Dɔ̀ch! A kɛ́ɖɛ́, a tyɛni mɔgɔ, a chwɔl tyɛni ɛni, a bɛ̱n, a tyɛ̀re ɖāɲ tɛ̀rɛ̀ gɛ́n. Ka gɛ yēi chyɛ̀, kine: dɔ̀ch, wá bà wât. A kɛ̱t gɛ́n, a kɔ̄l ɖɔk, ka ɖāɲ mɛ̱kè gɛ́n.

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At a certain time the people went to ask for indemnities, they went to the village (where the debtor lived), and sat down. The people of the village assembled. When the man began to ask, "I want indemnities for certain goods," the debtor replied, "I do not know anything about goods (which I owe you.)" The man asked, "Have you not been told?" He replied, "By whom?" The man said, "By your father." The debtor said again, "I do not know of anything concerning debts." The man said, "Why do you not know it?" Then it was asked, "Who is the judge?" The answer was, "That man is judge." He said, "Count the goods (which you claim from this man)." All the goods were enumerated. The judge said tho the debtor, "Man, why do you deny? Is it not true what he said?" And the people went to bring the matter before the king. They found the king, and the matter was told. They said, "Our lord, we have come with this man." The king asked, "What a palaver do you have?" They answered, "We have a palaver about cattle." "Well," said the king, "tell me!" The accuser said, "Well, our lord, we came to ask him (the debtor) about the matter of the cattle; but he refused; he said, he did not know anything about cattle. So I assembled the people, and when the people were assembled, I talked to him, and enumerated the goods, and the cows (which I said he owed me) were found right; the people consented (to my statement), the old people. He refused again to acknowledge it." After

[1] ɣ is here conditional: "when".
[2] "the place, i. e. the matter, of goods is not known by me".
[3] < *yí ɣ* "you will".

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

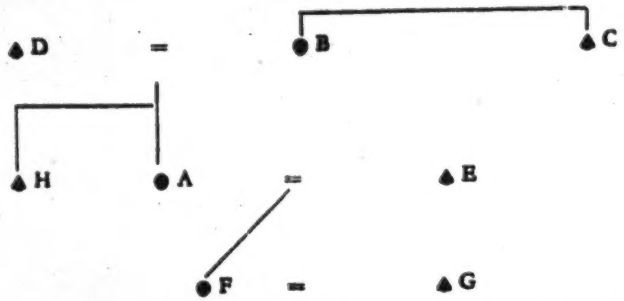
539 691 686 692 that the king said (turning to the accused one), "Well, now you also tell your talk!" He said, "My father died while I was a little child; but the cows, I do not know anything about them. I was not told; that is the reason, therefore I refused to give them." Then the king gave his judgment thus, "Well, so it is, you are a man who refused (to give what is due); why did you refuse to give the people their cows? Your matter is bad. Go, and pay a girl as amends, and you (turning to the accuser), man, give him five cows!" The debtor gave the girl, he brought her to the village (of the accuser). When the people of the village had assembled, he (the accuser) said, "I have been indemnified with a girl; thus is the matter now." The people say, "All right." Then he goes to strain beer; and he calls the people. They come; he presents the girl to the people to be examined (whether it is a sufficient pay). And they consent, saying, "Very well, we are friends now."

They go away, the cows are brought, and the girl is recognised by them.

[A man has married somebody's daughter; after some time the girl, his wife, dies; now the father of the girl has to return part of the dowry which has been paid to him for his daughter. But in the meantime the father of the deceased wife has died too, and his eldest son has become his heir. The husband of the dead wife goes to this man, the brother of his dead wife, and wants his cattle back. But this man denies knowing anything about the matter, pretending his father did not tell him before his death. They therefore go before the king, who decides: the heir has to give his brother-in- law another girl instead of the deceased one; and in return the brother-in-law is to give the heir five five head of cattle, which is about half the usual price for a wife.]

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

of the bride. Among the Shilluk no such obligation exists except in the form of a recognized debt, nowadays enforceable in the Courts, which is dependent on the number of cattle which remain outstanding in the bridewealth of the bride's mother.



Thus, in the diagram, from the bridewealth paid by *E* for *A*, no portion will be set aside for *C*, unless the full bridewealth of ten head of cattle was not paid by *D* on his marriage to *B*. Since few Shilluk can afford to hand over ten head of cattle at once, and because there have been periods when there were few cattle to pay, this is the source of much litigation in the courts. At the same time, such debts are not carried forward a further generation. Thus *C* could not claim cattle outstanding from *B*'s marriage on the marriage of *F*, though *H* might do so from the marriage of *A* to *E*.

The pattern of distribution among paternal kinsmen of the bride is relatively simple, which is perhaps natural when bridewealth stands at so low a figure. If alive, the bride's father's father should receive one cow (which would go to his sons by another wife); the bride's father's brothers (her paternal uncles) and even his half-brothers are also entitled to a share. Speaking in conventional terms only, Shilluk say that where a full brother (uterine) gets two cows, a half-brother only gets one. In fact none of them are likely to get anything more than a sheep or a goat, for if a man has many brothers and half-brothers there would be little or no cattle left for the bride's father or his sons. Distribution is usually dictated by circumstances prior to the marriage and the pattern of previous bridewealth distributions which create reciprocal rights. From an analysis of some fifty Shilluk marriages, my impression is that this form of distribution is quoted as a convention only and is rarely if ever followed now. As among other Nilotes, uterine and half-brothers within one domestic group are expected to marry in strict order of age. A man will generally expect to marry with the cattle brought in by the marriage of his younger uterine sister, if he has one, and, after any deductions which may be necessary to complete the bridewealth payments of the bride's mother and the fulfilment of other debts which may be pressing, he will probably get all the remaining cattle. Though large numbers of sheep and goats[1] are brought in by the marriage, these are not distributed among the bride's paternal kinsmen according to definite claims, nor are they regarded as paid to meet claims which could be interpreted as a survival from times when the

[1] The average seems to be somewhere between fifteen and thirty.

29:Dempsey M-5 (1940-1954) 1955
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until at least seven cows have been paid. When that number has been safely gathered into the family byre, the love-lorn swain may indeed claim his blushing bride, but if after that the payment of the remainder be unduly delayed, the indignant father and the male relatives of the lady will not hesitate to carry her off to her former home till what time the final instalments are forthcoming, or even, if there is little or no prospect of the debt being speedily paid, of offering her anew to one more likely to fulfil his obligations. 583

But even when the last cow has been handed over; when the somewhat bewildered ox, garlanded and decorated, has been escorted to the bride's village by a cheering and singing mob of the bridegroom's friends; when the mock battle has taken place during which the bride's party endeavours to and eventually succeeds in wresting the cow from the hands of the groom's partisans; when they in turn have stormed the paternal stronghold, and carrying off the lady have delivered her into the arms of her ever-loving husband; when the last dance has been danced and the final bumper quaffed, still the young husband's bovine anxieties are not completely at rest. A murrain might sweep the land and claim one or more of his cattle among its victims, and the law demands that they be replaced, or else he may find himself a grass widower. And if perchance the replacements should die, then others must be forthcoming within a reasonable period of time, that the total may be kept complete. Failure to comply with these demands may mean that the District Chief may order that the unhappy man's wife and children 'be sold and payment be made'. This quite literally happened at Detwok; a man had been married for ten years and had three children; he had paid only seven head of cattle and of these three had died, so that he still owed six. His family was taken from him and given to another man who was able to pay the required cattle. Fortunately, in this case the mission was able to step in. It was a Christian family and the marriage had been solemnized in church according to the requirements of both God and the Government. The priest told the chief that he could not ruthlessly 583 585 583 586 686 797

29:Dempsey M-5 (1940-1954) 1955
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583 586 686 797 break up a Christian family in that manner, and that if the woman and children were not returned to their home within three days, the matter would be taken to the king. Happily we were on safe ground in threatening this. A short time before there had been a similar case in Lul where a Christian family was concerned and the Fathers had protested successfully to the king, who ordered the family to be returned. The chief, hearing this, gave in gracefully and the woman and children were brought back.

583 602 And what of the happy father of the bride? Does he assume the airs and authority of a cattle baron at thus being enriched by ten cows? Poor old father, alas, will be fortunate if he gets one or two of the dowry to call his own. He does, indeed, as befitting his dignity as head of the family, receive the cattle, but the same family will take very good care that they do not remain long in the paternal shippon. He probably has growing sons hungry for cattle to build up their own dowries, but if it should happen that the Lord has not blessed him with male issue, his own unmarried brothers will clamour for their share; his wife's strident voice will be heard advancing the claims of her brothers; uncles and nephews and in-laws will take up the cry, some in strong, others in less certain terms according to their proximity to or remoteness from the immediate family circle, and the dispute will continue until the final settlement is made and the cows are dispersed to the remotest parts of the land. One thing is sure, and that is that if anyone suffers from the division of the spoils it will be father. In the course of a 231 few years the cattle of a dowry will have changed hands several times, having been split up and absorbed into other herds, again and again handed over as part of a bride-price, and again and again finding new owners among some girl's relatives, ranging the length and breadth of the Shilluk country and back again, shifting and changing, being collected and dispersed, only to be collected and dispersed again. And so it will go on until an individual cow is deemed no longer worthy of inclusion in a dowry, when it will be sold for butcher's meat or slaughtered for a wedding or a